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**REMARKS/ARGUMENTS**

As a preliminary matter, Applicant notes that claim 51 is now cancelled.

Additionally, previously withdrawn claims 1-7; 9-21; 26-29; 31-37 and 39-56; 64, 65, and 71-79 have now all been cancelled.

With respect to the current set of claims, having regard to the election recited by the Examiner at page 2 of the Office Action dated August 14, 2007, of the invention of Group VI (concrete form) and the respective species of Figure 4 (spacer), Figure 6 (connector) and Figure 12A (concrete form) Applicant presents new claims 82 to 109 to more fully provide the scope of patent protection to which the Applicant believes he is entitled. It is respectfully submitted that all the new claims are patentable over the prior art that is currently of record.

With particular reference to new independent claim 84 and new independent claim 86, Applicant notes that providing a spacer with two transverse tie members and orthogonal rod members provides a substantially rigid structure - a grid - after securing of the spacer to the foamed panels by the connectors. This grid also makes the foam panel members stronger to deal with the hydraulic pressure created by the unhardened concrete.

It should also be noted that new claims 99 and 100 generally relate to the subject matter of dependent claims 21 and 22. Similarly new claims 101 and 103 generally relate to the subject matter of claims 24 and 25, new claims 104 and 105 to the subject matter of claims 26 and 27, and new claims 106 and 107 to the subject matter of claims 28 and 29. Additional support for claim 104 can be found for example at paragraphs [0096] and [0098] and in Figure 3b. Additional support for claim 106 can be found for example at paragraphs [0073], [0074] and [101] and in Figure 7b. In particular, it is evident that the blind openings referred to in each of

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claims 104 and 106 have smooth inner walls compared to the threaded cavities also referred to therein.

Claim 21 has been amended to provide that the shaft portion of the cap member is displaceable relative to said bushing member so that the first panel member can be held between the flange portion of the cap member and the flange portion of the bushing member to permit compression of the first panel member. Support for this amendment can be found for example at paragraphs [0087] to [0089] of the published application and claim 22 as originally filed. Claim 22 has been canceled.

Claim 30 has been amended in a similar manner to claim 21.

With respect to the continued rejection of pending independent claim 62 based on the combination of the Boeshart and Harkenrider references, Applicant respectfully does not agree with the Examiner's assessment that this claim is obvious and respectfully requests that the Examiner reconsider his position.

Applicant respectfully requests that the Examiner reconsider the obviousness prior art rejection of claim 62 having regard to the amendments made herein and for at least the following additional reasons:

- (1) Providing a foamed plastic panel with a laminated plastic film on both sides that is chosen from another non-adhesive plastic material provides at least the following benefits: (a) it creates the non-adhesive surface that contacts with the concrete and enables the panel to be more easily removed once the concrete has set; and (b) it makes the panel stronger, particularly when laminated on both sides with the plastic film; and (c) helps to maintain the heat produced when concrete is setting.

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- (2) It is well known in the art that when concrete sets, an exothermic chemical reaction takes place. A significant amount of heat is given off during the concrete setting process. This heat can possibly damage the material from which a known foamed plastic material is made. A laminated plastic film can help protect the surface of the foamed plastic material that is contact or close proximity with the concrete from the heat during the setting process.
- (3) In addition to having a surface that will tend not to stick to the concrete during the setting process, the panel unit must also be able to remain together as a unit and undamaged during the exothermic reaction that occurs during concrete setting.
- (4) While the Harkenrider reference refers to a "laminate of plywood and plastic", the use of the term "lamine" in this reference is misleading. It is important to note that Harkenrider discloses using "Suitable fasteners such as screws, extend through the backing sheets into the back of the facing sheets". Separate mechanical fasteners are chosen so that the connection between the plywood and the plastic will be able to endure the concrete setting process.
- (5) The reference in Harkenrider to the use of mechanical fasteners is not what a person skilled in the art either now or at the time the invention was made, would consider to be providing a "suitable plastic film that is laminated at least to an inner surface of said first panel member" (emphasis added) as provided in claim 62 as amended.
- (6) Claim 62 is referring to the process of laminating a suitable plastic film to another foamed plastic material whereby a bond is created as a result of the heating of the material that makes up the plastic film. The properties of the plastic film and the underlying panel material, not mechanical fasteners, result in the film becoming bonded to the panel. Claim 62 as amended now further emphasizes this distinction.

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- (7) Additionally, due to the heat that is generated by the exothermic reaction, it is submitted it would not be obvious to use a heat associated connection mechanism (ie. lamination) to secure the plastic film to the panel member.
- (8) It is therefore respectfully submitted that the combination of Boeshart and Harkenrider does not render the subject matter of claim 62 obvious. Combining the teachings of the Boeshart and Harkenrider references, even if it is proper to do so (which is not admitted), does not teach or suggest the invention claimed in amended claim 62.
- (9) Additionally, with respect to former dependent claim 68, the Examiner states that "provided a plastic film along both sides of either Boeshart form panel 34, thus serving to encase the panel in a protective layer as well as allow interchangeability between sides of each form panel, would have constituted an obvious to one having ordinary skill in the art at the time the invention was made". Applicant respectfully disagrees with this assessment.
- (10) Applicant notes that Harkenrider itself discloses only a single plastic sheet mechanically connected to a single side of the plywood panel. Plastic sheets are relatively expensive, and laminating both sides of a foamed plastic panel would involve significant expense. Additionally, plywood sheets are often provided with one side that is totally unfinished and would not be suitable for the application of a plastic sheet thereto. Thus, it is respectfully submitted that there would be a motivation not to cover both sides of a panel with plastic sheets as is illustrated by the Harkenrider reference itself.
- (11) Additionally, laminating both sides of the foamed plastic panel member will increase the strength of the foamed plastic panel member, allowing a relatively thinner panel member to be used - see for example paragraphs [0066] and [0067] of the specification including the reference to the relative depth of panel 117 compared to panel 114.

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(12) Also with respect to claim 62, by laminating both sides of the foamed plastic panel member with a suitable plastic film, the heat from the exothermic reaction in the concrete will tend to be maintained in the concrete. As is known, maintaining the heat from the exothermic reaction during the setting of the concrete has a desirable effect on concrete hardening. As is also well known, a foamed plastic has an open cell structure allowing air to seep through. Providing a laminated plastic film over both surfaces of this foam plastic material will assist in maintaining the heat in the concrete by significantly sealing the foamed plastic panel member. As recited in dependent claim 69, one example of a suitable plastic film that achieves this result is polypropylene. As the plywood sheet disclosed in Harkenrider does not suffer from an air seepage concern, it would not be obvious to modify the teaching of Harkenrider to provide a plastic film on both sides of the panel member. Therefore, applicant respectfully submits that claim 62, and claim 69 that is dependent thereon, are patentable over the references cited by the Examiner.

While is submitted it is not required to distinguish over the prior art, nevertheless, to advance the prosecution of this application, claim 62 has been amended even further and now includes the following additional limitations:

- (i) The plastic film is made from a different material than the foam plastic material of the panel member [support for this amendment can be found for example at paragraphs [0066] and [0086];]
- (ii) that the panel is formed by lamination of a plastic film on both sides of the panel member [support can be found for example at paragraph [0086];]
- (iii) lamination of the inner and outer surfaces of the first panel member with the plastic film to be slightly compressed resulting in a rigid or semi-rigid connection between the first panel member and the spacer [support for this

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amendment can be found for example in Figure 12a and paragraphs [0086] and [0089]];

- (iv) the first end of the transverse tie member is held within the form space in close proximity to the inner surface of the panel member [support for this amendment can be found for example in Figure 12a];
- (v) a portion of the spacer is held within the second panel member between the inner and outer surfaces such that the second panel member is held in a stable position relative to the spacer [support for this amendment can be found for example in Figure 12a]; and
- (vi) a second connector positions and holds the second end of the tie member within the second panel member [support for this amendment can be found for example in Figure 12a].

It is also submitted that the remaining claims that are dependent directly or indirectly upon claim 62, are also patentable over the prior art.

Applicant also notes the following:

With respect to claims 21 and 102 Applicant notes that the lamination of the foamed plastic material with a plastic film strengthens the panel member such that it can be compressed by the connector without damaging the panel member.

It should also be noted that claims 21, 30, 62, 80 and 81 have been amended to alter the claim dependency and to make minor technical and formality changes.

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In view of the foregoing amendments and remarks favorable reconsideration and allowance of this application is requested.

Respectfully submitted,

  
Alistair G. Simpson  
Registration No. 37,040

SMART & BIGGAR  
438 University Avenue  
Suite 1500, Box 111  
Toronto, Ontario  
Canada M5G 2K8  
Telephone: (416) 593-5514  
Facsimile: (416) 591-1690

September 8, 2008  
(92953-4)  
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